

Notice of Allowability

Application No.

09/887,836

Examiner

Walter B. Aughenbaugh

Applicant(s)

BRADLEY, JAMES S.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Corrected Declaration and Power of Attorney filed May 8, 2006.
2. ☒ The allowed claim(s) is/are 1-5 and 11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060608.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Lionel D. Anderson on June 30, 2004.

3. The application has been amended as follows:

Cancel claim 12.

Oath/Declaration

4. The corrected Declaration and Power of Attorney submitted on May 8, 2006 has been received and considered by Examiner.

Allowable Subject Matter

5. Claims 1-5 and 11 are allowed.

6. The following is an examiner's statement of reasons for allowance:

In the Board of Patent Appeals and Interferences Decision mailed June 27, 2005, the Board reversed the 35 U.S.C. 103 rejection of claims 1-5 that was repeated in paragraph 5 of the Office Action mailed November 4, 2003 and the 35 U.S.C. 103 rejection of claim 11 that was repeated in paragraph 6 of the Office Action mailed November 4, 2003.

In regard to claim 1, the prior art of record fails to teach or suggest a laminate comprising an inner layer and an adhesive layer that comprises an adhesive resin, a curing agent and a butylated phenolic antioxidant, where the inner layer allows migration of the butylated phenolic

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antioxidant therethrough. The proposed combination of Satoh with Saad lacks the butylated phenolic antioxidant. BPAI Decision mailed June 27, 2005, page 3.

In regard to claim 11, the prior art of record fails to teach or suggest a film applied on a substrate where the film comprises one of the claimed solventless cured adhesive resins and a butylated phenolic antioxidant present in the claimed concentration and where the film is applied on the substrate in the claimed amount of from 0.00005 to 0.001 dry pounds per square foot of the substrate. Examiner's reasoning in the 35 U.S.C. 103 rejection of claim 11 does not address the requirement of claim 11 that the solventless cured adhesive resin is applied from 0.00005 to 0.001 dry pounds per square foot of a substrate. BPAI Decision mailed June 27, 2005, page 5.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is 571-272-1488. While the examiner sets his work schedule under the Increased Flexitime Policy, he can normally be reached on Monday-Friday from 8:45am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is to 571-273-8300.

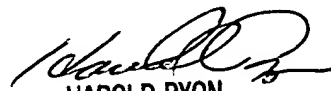
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Walter B. Aughenbaugh

06/08/06

WBA


HAROLD PYON
SUPERVISORY PATENT EXAMINER

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6/8/08